

# E001 Musselshell River Enforcement Area

## COMMISSIONER REMARK INDEX

<i>Basin</i>	<i>Water Right No.</i>	<i>Ext.</i>	<i>Remark</i>
40A	14975	00	THE FLOW RATE ASSOCIATED WITH THIS CHANGE AUTHORIZATION IS 2.32 CUBIC FEET PER SECOND (CFS). THE IRRIGATION SYSTEM INCLUDES A PUMP AND CENTER PIVOT THAT OPERATE AT 2.32 CFS. STATEMENT OF CLAIM NO. 40A 14975 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF THE IRRIGATION SYSTEM BY ITSELF. WHEN APPROPRIATIONS ARE OCCURING FOR 40A 14975 00, THEY MUST OCCUR IN COMBINATION WITH 40A 14976 00 OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER. A FLOW RATE OF 1.25 CFS AND DIVERTED VOLUME OF 106.9 AF CANNOT BE EXCEEDED FOR 40A 14975 00.
40A	14975	00	THE FLOW RATE ASSOCIATED WITH THIS CHANGE AUTHORIZATION IS 2.32 CUBIC FEET PER SECOND (CFS). THE IRRIGATION SYSTEM INCLUDES A PUMP AND CENTER PIVOT THAT OPERATE AT 2.32 CFS. STATEMENT OF CLAIM NO. 40A 14975 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF THE IRRIGATION SYSTEM BY ITSELF. WHEN APPROPRIATIONS ARE OCCURING FOR 40A 14975 00, THEY MUST OCCUR IN COMBINATION WITH 40A 14976 00 OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER. A FLOW RATE OF 1.25 CFS AND DIVERTED VOLUME OF 106.9 AF CANNOT BE EXCEEDED FOR 40A 14975 00.
40A	14976	00	THE FLOW RATE ASSOCIATED WITH THIS CHANGE AUTHORIZATION IS 2.32 CUBIC FEET PER SECOND (CFS). THE IRRIGATION SYSTEM INCLUDES A PUMP AND CENTER PIVOT THAT OPERATE AT 2.32 CFS. STATEMENT OF CLAIM NO. 40A 14975 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF THE IRRIGATION SYSTEM BY ITSELF. WHEN APPROPRIATIONS ARE OCCURING FOR 40A 14975 00, THEY MUST OCCUR IN COMBINATION WITH 40A 14976 00 OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER. A FLOW RATE OF 1.25 CFS AND DIVERTED VOLUME OF 106.9 AF CANNOT BE EXCEEDED FOR 40A 14975 00.
40A	19352	00	THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.  40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132
40A	19353	00	THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.  40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132
40A	19353	00	DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.
40A	20670	00	THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.  40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132
40A	20670	00	DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.
40A	20674	00	DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

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Basin	Water Right No.	Ext.	Remark
40A	20674	00	<p>THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.</p> <p>40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132</p>
40A	20676	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MAR. 1ST TO MAR. 31ST AND OCT. 15TH TO OCT. 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p>
40A	20676	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p> <p>THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 40.67 CFS.</p> <p>40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132</p>
40A	20679	00	<p>THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.</p> <p>40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132</p>
40A	20679	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p>
40A	20680	00	<p>THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.</p> <p>40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132</p>
40A	20700	00	<p>THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.</p> <p>40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132</p>
40A	20700	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p> <p>THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 40.67 CFS.</p> <p>40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132</p>

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Basin	Water Right No.	Ext.	Remark
40A	21371	00	This claim appears to be claiming the SWCB (North Fork Canal) Diversion Canal that diverts in the NESWSW Sec 13 and J.M. Holiday Ditch that diverts in the SWSWNE Sec 14 and two secondary points of diversion where each of these intersects Gillis Creek. J.M. Holiday Ditch intersects Gillis Creek in the SESWNE Sec 31 T9NR11E; SWCB (North Fork) Canal intersects Gillis Creek in the NWSWNW Sec 32, T9NR11E. A secondary diversion has been added to the project where each of these intersections are. It is unlikely that the J.M. Holiday headgate is still used but can be seen from aerial photos. A primary diversion for J.M. Holiday Ditch has been added to this project for this claim. The two secondary diversions are labeled GC 001 (514) and GC 002 (515), named Gillis Creek Headgate No. 1 and Gillis Creek Headgate No. 2. There really are not ditches, the canals are diverted into Gillis Creek and Gillis Creek is used as a natural carrier to the place of use.
40A	22842	00	THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.  40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132
40A	23271	00	POINT OF DIVERSION 01 IS THE HISTORICAL LOCATION OF THE HEADGATE FOR THE STRAND DITCH, ALSO KNOWN AS THE SAYRE DITCH (HOLIDAY).
40A	23271	00	POINTS OF DIVERSION 02 AND 03 ARE THE LOCATIONS WHERE WASTE AND SEEPAGE WATER IS COLLECTED IN THE LOWER STRAND DITCH, ALSO KNOWN AS THE SAYRE DITCH (CAMERON & HOLIDAY).
40A	24388	00	IMPORTANT INFORMATION THE WATER RIGHT CHANGED IN THIS MATTER, 40A 29388, IS SUPPLEMENTAL TO WATER RIGHT NO. 40A 29392. THE TWO WATER RIGHTS HAVE HISTORICALLY INCLUDED PARTIALLY OVERLAPPING PLACES OF USE. THIS CHANGE AUTHORIZATION SHALL BE REVOKED IF IRRIGATION OCCURS UNDER 40A 29392 ON ANY PORTION OF THE HISTORIC ACREAGE THAT IS AUTHORIZED TO BE RETIRED. THE RETIRED IRRIGATED ACREAGE WAS FORMERLY SITUATED IN THE SE1/4 SECTION 24, T9N, R10E; THE SW1/4 SECTION 19, AND SECTIONS 30 AND 31, T9N R11E.
40A	45593	00	Three secondary points of diversion were added to the claim. The primary point of diversion is No. 525 in the SWNESE Sec 10 T10NR9E, Durand Ditch. The 3 secondaries are located in SWSESW Sec 30 T10NR10E; NENENW Sec 31 T10NR10E; and SWSWNE Sec 31 T10NR10E. These are headgates. See claim file for claim map.
40A	119686	00	THE FLOW RATE INCLUDES WATER RELEASED FROM UPPER MUSSELHELL PROJECT RESERVOIR AND DELIVERED TO USERS ALONG THE DEADMAN'S BASIN SUPPLY CANAL.
40A	119686	00	THIS FLOW RATE IS THE DIVERSION CAPACITY OF THE DEADMAN'S BASIN SUPPLY CANAL.
40A	119686	00	TOTAL COMPOSITE FLOW RATE FOR THE WATER RIGHTS FOLLOWING THIS STATEMENT SHALL NOT EXCEED 600.00 CFS. 40A 119686-00, 40A 119688-00, 40A 119697-00.
40A	119686	00	WATER STORED IN DEADMANS BASIN RESERVOIR IS DIVERTED FROM STORAGE TO THE FOLLOWING SECONDARY POINTS OF DIVERSION TO INDIVIDUAL WATER PURCHASERS: 1. CARELESS CREEK CANAL - SWSWNW SEC 30 TWP 07N RGE 19E, GOLDEN VALLEY COUNTY 2. BARBER CANAL - SWSWNW SEC 30 TWP 07N RGE 19E, GOLDEN VALEY COUNTY 3. DELPHIA CANAL - NENWNW SEC 31 TWP 09N RGE 28E, MUSSELHELL COUNTY 4. MELSTONE CANAL - SWNWNW SEC 28 TWP 09N RGE 29E, MUSSELHELL COUNTY 5. PRIVATE DIVERSIONS OF WATER PURCHASERS ALONG THE MUSSELHELL RIVER BELOW DEADMANS BASIN RESERVOIR. CARELESS CREEK CANAL, BARBER CANAL, MUSSELHELL RIVER, DELPHIA CANAL, AND MELSTONE CANAL ARE USED AS CARRIERS TO CONVEY WATER RELEASED FROM DEADMAN'S BASIN RESERVOIR TO THE GENERAL SERVICE AREA FOR THIS WATER RIGHT.
40A	119686	00	TOTAL COMPOSITE ANNUAL VOLUME FOR THE WATER RIGHTS FOLLOWING THIS STATEMENT SHALL NOT EXCEED 97,000 ACRE-FEET. 40A 119686-00, 40A 119688-00, 40A 119697-00.

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<i>Basin</i>	<i>Water Right No.</i>	<i>Ext.</i>	<i>Remark</i>
40A	130827	00	THE DIVERTED FLOW RATE FOR THE TRANSITORY PUMPING SYSTEM IS 2.7 CFS, WHICH IS GREATER THAN THE FLOW RATE (2.5 CFS) FOR STATEMENT OF CLAIM NO. 40A 130827. THEREFORE, 40A 130827 MUST BE USED IN COMBINATION WITH ONE OF THE OTHER AUTHORIZED WATER RIGHTS, 40A 130837 OR 40A 130843, AT ANY TIME THE TRANSITORY PUMP IS BEING OPERATED.
40A	130843	00	THE DIVERTED FLOW RATE FOR THE TRANSITORY PUMPING SYSTEM IS 2.7 CFS, WHICH IS GREATER THAN THE FLOW RATE (2.5 CFS) FOR STATEMENT OF CLAIM NO. 40A 130827. THEREFORE, 40A 130827 MUST BE USED IN COMBINATION WITH ONE OF THE OTHER AUTHORIZED WATER RIGHTS, 40A 130837 OR 40A 130843, AT ANY TIME THE TRANSITORY PUMP IS BEING OPERATED.
40A	189170	00	MILL DITCH ADDED TO THIS CLAIM IN 2021, UNCLEAR WHERE THE PUMP AND PIPELINE ARE LOCATED. PUMP AND PIPELINE ARE USED TO SUPPLEMENT MILL DITCH AS AN EMERGENCY MEASURE WHEN MILL DITCH IS DAMAGED AND IN NEED OF REPAIR.
40A	192538	00	DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MAR. 1ST TO MAR. 31ST AND OCT. 15TH TO OCT. 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.
40A	192539	00	DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MAR. 1ST TO MAR. 31ST AND OCT. 15TH TO OCT. 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.
40A	193160	00	THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.  40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132
40A	197900	00	THE APPROPRIATION OF WATER UNDER WATER RIGHT NO. 40A 197900-00 SHALL NOT EXCEED 5.69 CFS VIA THE HEADGATE FOR THE PENWELL-ROSS DITCH, LOCATED IN THE SWSWNE SECTION 26, T8N, R15E, OR 3.79 CFS VIA THE CENTER PIVOT PUMPING SYSTEM LOCATED IN THE SWNESE SECTION 32, T8N, R16E.
40A	198049	00	THE FLOW RATE ASSOCIATED WITH THIS CHANGE AUTHORIZATION IS 15.4 CUBIC FEET PER SECOND (CFS). THE IRRIGATION SYSTEM INCLUDES A PUMP AND CENTER PIVOT THAT OPERATE AT 1.0 CFS. WHEN BOTH STATEMENT OF CLAIM NOS. 40A 198049 00 AND 40A 212176 00 ARE ABLE TO BE EXERCISED, THE VARIABLE FLOW FLOOD PUMP CAN DIVERT UP TO 14.4 CFS. WHEN STATEMENT OF CLAIM NO. 40A 198049 00 IS THE ONLY RIGHT IN PRIORITY, THE FLOOD PUMP CAN BE OPERATED UP TO 10.4 CFS. APPROPRIATIONS FOR EITHER PUMPSITE CAN OCCUR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER, BUT CANNOT EXCEED A FLOW RATE OF 1.0 CFS AND 14.4 CFS RESPECTIVELY.
40A	201280	00	THE DECREED POD LOCATED IN THE SWNWNW 1/4 OF SEC 19 T08N R13E IS THE POD FOR THE TWO DOT CANAL, A STATE-OWNED CANAL. PURSUANT TO THE RIGHT-OF-WAY EASEMENT DEED, DATED Dec. 16, 1939 AND RECORDED AT BOOK A-7, PAGE 206- 207, MEAGHER CO., MONTANA, NOT MORE THAN 20 CFS OF THE 51.85 CFS DECREED TO DENNIS VOSS AND ERICA BORBE OUT OF THE MUSSELSHELL RIVER IN WATER RIGHT NOS. W201280-00, W201282-00, W201283-00, W201284-00 AND W201286-00 May BE DIVERTED INTO AND CONVEYED THROUGH THE TWO DOT CANAL. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT DOES NOT ESTABLISH OR LIMIT THE CLAIMANT'S DECREED WATER RIGHTS WHICH May BE DIVERTED FROM THE MUSSELSHELL RIVER AT OTHER DECREED POINTS OF DIVERSION INTO OTHER CANALS AND/OR DITCHES. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT APPLIES ONLY TO THE WATER RIGHTS DESIGNATED IN THIS REMARK AND DOES NOT APPLY TO WATER DECREED TO THE STATE OF MONTANA.

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Basin	Water Right No.	Ext.	Remark
40A	201280	00	<p>WATER RIGHTS 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A201284-00 AND 40A 201286-00 ARE SUBJECT TO THE FOLLOWING LIMITATIONS AT THE POINTS OF DIVERSION IDENTIFIED BELOW: THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E IS THE POINT OF DIVERSION FOR THE MOE-HART DITCH, ALSO KNOWN AS THE HART DITCH. PURSUANT TO THE STIPULATION OF THE JOINT OWNERS OF THIS DITCH, NOT MORE THAN 10 CFS OF THE WATER DECREED IN THE ABOVE DESIGNATED WATER RIGHTS MAY BE DIVERTED AT THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E AND CONVEYED THROUGH THE MOE-HART DITCH FOR SUPPLEMENTAL IRRIGATION OF 120.6 ACRES LOCATED IN SEC 19, TWP 08N, RGE 13E. THE DECREED POINT OF DIVERSION LOCATED IN THE SWNNWNW 1/4 OF SEC 19 TWP 08N RGE 13E IS THE POINT OF DIVERSION FOR THE TWO DOT CANAL, A STATE-OWNED CANAL. PURSUANT TO THE RIGHT-OF-WAY EASMENT DEED, DATED DECEMBER 16, 1939 AND RECORDED AT BOOK A-7, PAGE 206- 207, MEAGHER COUNTY, MONTANA, NOT MORE THAN 20 CFS OF THE 51.85 CFS DECREED TO DENNIS VOSS AND ERICA BORBE OUT OF THE MUSSELSELL RIVER IN WATER RIGHT NOS. 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00 AND 40A 201286-00 MAY BE DIVERTED INTO AND CONVEYED THROUGH THE TWO DOT CANAL. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT DOES NOT ESTABLISH OR LIMIT THE CLAIMANT'S DECREED WATER RIGHTS WHICH MAY BE DIVERTED FROM THE MUSSELSELL RIVER AT OTHER DECREED POINTS OF DIEVSRION INTO OTHER CANALS AND/OR DITCHES. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT APPLIES ONLY TO THE WATER RIGHTS DESIGNATED IN THIS REMARK AND DOES NOT APPLY TO WATER DECREED TO THE STATE OF MONTANA.</p>
40A	201282	00	<p>THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E IS THE POINT OF DIVERSION FOR THE MOE-HART DITCH, ALSO KNOWN AS THE HART DITCH. PURSUANT TO THE STIPULATION OF THE JOINT OWNERS OF THIS DITCH, NOT MORE THAN 10 CFS OF THE WATER DECREED IN THE ABOVE DESIGNATED WATER RIGHTS MAY BE DIVERTED AT THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E AND CONVEYED THROUGH THE MOE-HART DITCH FOR SUPPLEMENTAL IRRIGATION OF 120.6 ACRES LOCATED IN SEC 19, TWP 08N, RGE 13E</p>
40A	201282	00	<p>WATER RIGHTS 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A201284-00 AND 40A 201286-00 ARE SUBJECT TO THE FOLLOWING LIMITATIONS AT THE POINTS OF DIVERSION IDENTIFIED BELOW: THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E IS THE POINT OF DIVERSION FOR THE MOE-HART DITCH, ALSO KNOWN AS THE HART DITCH. PURSUANT TO THE STIPULATION OF THE JOINT OWNERS OF THIS DITCH, NOT MORE THAN 10 CFS OF THE WATER DECREED IN THE ABOVE DESIGNATED WATER RIGHTS MAY BE DIVERTED AT THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E AND CONVEYED THROUGH THE MOE-HART DITCH FOR SUPPLEMENTAL IRRIGATION OF 120.6 ACRES LOCATED IN SEC 19, TWP 08N, RGE 13E. THE DECREED POINT OF DIVERSION LOCATED IN THE SWNNWNW 1/4 OF SEC 19 TWP 08N RGE 13E IS THE POINT OF DIVERSION FOR THE TWO DOT CANAL, A STATE-OWNED CANAL. PURSUANT TO THE RIGHT-OF-WAY EASMENT DEED, DATED DECEMBER 16, 1939 AND RECORDED AT BOOK A-7, PAGE 206- 207, MEAGHER COUNTY, MONTANA, NOT MORE THAN 20 CFS OF THE 51.85 CFS DECREED TO DENNIS VOSS AND ERICA BORBE OUT OF THE MUSSELSELL RIVER IN WATER RIGHT NOS. 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00 AND 40A 201286-00 MAY BE DIVERTED INTO AND CONVEYED THROUGH THE TWO DOT CANAL. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT DOES NOT ESTABLISH OR LIMIT THE CLAIMANT'S DECREED WATER RIGHTS WHICH MAY BE DIVERTED FROM THE MUSSELSELL RIVER AT OTHER DECREED POINTS OF DIEVSRION INTO OTHER CANALS AND/OR DITCHES. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT APPLIES ONLY TO THE WATER RIGHTS DESIGNATED IN THIS REMARK AND DOES NOT APPLY TO WATER DECREED TO THE STATE OF MONTANA.</p>
40A	201283	00	<p>THE POD LOCATED IN THE NENWSE 1/4 OF SEC 15, T08N, R12E IS THE POD FOR THE MOE-HART DITCH, ALSO KNOWN AS THE HART DITCH. PURSUANT TO THE STIPULATION OF THE JOINT OWNERS OF THIS DITCH, NOT MORE THAN 10 CFS OF THE WATER DECREED IN THE ABOVE DESIGNATED WATER RIGHTS May BE DIVERTED AT THE POD LOCATED IN THE NENWSE 1/4 OF SEC 15, T08N, R12E AND CONVEYED THROUGH THE MOE-HART DITCH FOR SUPPLEMENTAL IRRIGATION OF 120.6 ACRES LOCATED IN SEC 19, T08N, R13E.</p>

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Basin	Water Right No.	Ext.	Remark
40A	201283	00	<p>WATER RIGHTS 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A201284-00 AND 40A 201286-00 ARE SUBJECT TO THE FOLLOWING LIMITATIONS AT THE POINTS OF DIVERSION IDENTIFIED BELOW: THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E IS THE POINT OF DIVERSION FOR THE MOE-HART DITCH, ALSO KNOWN AS THE HART DITCH. PURSUANT TO THE STIPULATION OF THE JOINT OWNERS OF THIS DITCH, NOT MORE THAN 10 CFS OF THE WATER DECREED IN THE ABOVE DESIGNATED WATER RIGHTS MAY BE DIVERTED AT THE POINT OF DIVERSION LOCATED IN THE NENWSE 1/4 OF SEC 15, TWP 08N, RGE 12E AND CONVEYED THROUGH THE MOE-HART DITCH FOR SUPPLEMENTAL IRRIGATION OF 120.6 ACRES LOCATED IN SEC 19, TWP 08N, RGE 13E.</p> <p>THE DECREED POINT OF DIVERSION LOCATED IN THE SWNWNW 1/4 OF SEC 19 TWP 08N RGE 13E IS THE POINT OF DIVERSION FOR THE TWO DOT CANAL, A STATE-OWNED CANAL. PURSUANT TO THE RIGHT-OF-WAY EASMENT DEED, DATED DECEMBER 16, 1939 AND RECORDED AT BOOK A-7, PAGE 206- 207, MEAGHER COUNTY, MONTANA, NOT MORE THAN 20 CFS OF THE 51.85 CFS DECREED TO DENNIS VOSS AND ERICA BORBE OUT OF THE MUSSELHELL RIVER IN WATER RIGHT NOS. 40A 201280-00, 40A 201282-00, 40A 201283-00, 40A 201284-00 AND 40A 201286-00 MAY BE DIVERTED INTO AND CONVEYED THROUGH THE TWO DOT CANAL. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT DOES NOT ESTABLISH OR LIMIT THE CLAIMANT'S DECREED WATER RIGHTS WHICH MAY BE DIVERTED FROM THE MUSSELHELL RIVER AT OTHER DECREED POINTS OF DIEVSRION INTO OTHER CANALS AND/OR DITCHES. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT APPLIES ONLY TO THE WATER RIGHTS DESIGNATED IN THIS REMARK AND DOES NOT APPLY TO WATER DECREED TO THE STATE OF MONTANA.</p>
40A	201284	00	<p>THE DECREED POD LOCATED IN THE SWNWNW 1/4 OF SEC 19 T08N R13E IS THE POD FOR THE TWO DOT CANAL, A STATE-OWNED CANAL. PURSUANT TO THE RIGHT-OF-WAY EASMENT DEED, DATED Dec. 16, 1939 AND RECORDED AT BOOK A-7, PAGE 206- 207, MEAGHER CO., MONTANA, NOT MORE THAN 20 CFS OF THE 51.85 CFS DECREED TO DENNIS VOSS AND ERICA BORBE OUT OF THE MUSSELHELL RIVER IN WATER RIGHT NOS. W201280-00, W201282-00, W201283-00, W201284-00 AND W201286-00 May BE DIVERTED INTO AND CONVEYED THROUGH THE TWO DOT CANAL. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT DOES NOT ESTABLISH OR LIMIT THE CLAIMANT'S DECREED WATER RIGHTS WHICH May BE DIVERTED FROM THE MUSSELHELL RIVER AT OTHER DECREED POINTS OF DIEVSRION INTO OTHER CANALS AND/OR DITCHES. THE DIVERSION LIMITATION CONTAINED IN THE EASEMENT AGREEMENT APPLIES ONLY TO THE WATER RIGHTS DESIGNATED IN THIS REMARK AND DOES NOT APPLY TO WATER DECREED TO THE STATE OF MONTANA.</p>
40A	201286	00	<p>THE POD LOCATED IN THE NENWSE 1/4 OF SEC 15, T08N, R12E IS THE POD FOR THE MOE-HART DITCH, ALSO KNOWN AS THE HART DITCH. PURSUANT TO THE STIPULATION OF THE JOINT OWNERS OF THIS DITCH, NOT MORE THAN 10 CFS OF THE WATER DECREED IN THE ABOVE DESIGNATED WATER RIGHTS May BE DIVERTED AT THE POD LOCATED IN THE NENWSE 1/4 OF SEC 15, T08N, R12E AND CONVEYED THROUGH THE MOE-HART DITCH FOR SUPPLEMENTAL IRRIGATION OF 120.6 ACRES LOCATED IN SEC 19, T08N, R13E.</p>
40A	203256	00	<p>THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.</p> <p>40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132</p>
40A	203256	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p>
40A	203257	00	<p>THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.</p> <p>40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132</p>
40A	203257	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p>
40A	203316	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MAR. 1ST TO MAR. 31ST AND OCT. 15TH TO OCT. 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p>

# E001 Musselshell River Enforcement Area

## COMMISSIONER REMARK INDEX

<i>Basin</i>	<i>Water Right No.</i>	<i>Ext.</i>	<i>Remark</i>
40A	203316	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p> <p>THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 40.67 CFS.</p> <p>40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132</p>
40A	203321	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MAR. 1ST TO MAR. 31ST AND FROM OCT. 15 TO OCT. 31 OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p>
40A	203321	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15 TO OCTOBER 31 OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p> <p>THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 15.00 CFS FROM MARCH 1ST TO MARCH 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 34.96 CFS.</p> <p>40A 203321-00, 40A 203322-00, 40A 203324-00</p>
40A	203322	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15 TO OCTOBER 31 OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p> <p>THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 15.00 CFS FROM MARCH 1ST TO MARCH 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 34.96 CFS.</p> <p>40A 203321-00, 40A 203322-00, 40A 203324-00</p>
40A	203322	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MAR. 1ST TO MAR. 31ST AND FROM OCT. 15TH TO OCT. 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p>
40A	203324	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MAR. 1ST TO MAR. 31ST AND FROM OCT. 15TH TO OCT. 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p>
40A	203529	00	<p>THE MAXIMUM APPROPRIATION FOR STATEMENT OF CLAIM NO. 40A 203529 00 IS A FLOW RATE OF 1.25 CFS UP TO A DIVERTED VOLUME OF 163.6 AF. THE MAXIMUM DIVERTED VOLUME FOR ANY COMBINATION OF THE REMAINING WATER RIGHTS SHALL NOT EXCEED 515.8 AF.</p>
40A	203531	00	<p>THE FLOW RATES ASSOCIATED WITH THIS CHANGE AUTHORIZATION ARE 3.75 CUBIC FEET PER SECOND (CFS) FOR THE PIVOT PUMP AND 4.90 CFS FOR THE FLOOD PUMP. APPLICANT'S SENIOR RIGHT, STATEMENT OF CLAIM NO. 40A 203529 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF EITHER IRRIGATION SYSTEM BY ITSELF. STATEMENT OF CLAIM NO. 40A 203529 00 CANNOT EXCEED A FLOW RATE OF 1.25 CFS, AND THEREFORE MUST BE UTILIZED IN COMBINATION WITH ANOTHER MORE JUNIOR WATER RIGHT, OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER.</p>
40A	203532	00	<p>THE MAXIMUM APPROPRIATION FOR STATEMENT OF CLAIM NO. 40A 203529 00 IS A FLOW RATE OF 1.25 CFS UP TO A DIVERTED VOLUME OF 163.6 AF. THE MAXIMUM DIVERTED VOLUME FOR ANY COMBINATION OF THE REMAINING WATER RIGHTS SHALL NOT EXCEED 515.8 AF.</p>



# E001 Musselshell River Enforcement Area

## COMMISSIONER REMARK INDEX

Basin	Water Right No.	Ext.	Remark
40A	203535	00	THE FLOW RATES ASSOCIATED WITH THIS CHANGE AUTHORIZATION ARE 3.75 CUBIC FEET PER SECOND (CFS) FOR THE PIVOT PUMP AND 4.90 CFS FOR THE FLOOD PUMP. APPLICANT'S SENIOR RIGHT, STATEMENT OF CLAIM NO. 40A 203529 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF EITHER IRRIGATION SYSTEM BY ITSELF. STATEMENT OF CLAIM NO. 40A 203529 00 CANNOT EXCEED A FLOW RATE OF 1.25 CFS, AND THEREFORE MUST BE UTILIZED IN COMBINATION WITH ANOTHER MORE JUNIOR WATER RIGHT, OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER.
40A	203537	00	THE FLOW RATES ASSOCIATED WITH THIS CHANGE AUTHORIZATION ARE 3.75 CUBIC FEET PER SECOND (CFS) FOR THE PIVOT PUMP AND 4.90 CFS FOR THE FLOOD PUMP. APPLICANT'S SENIOR RIGHT, STATEMENT OF CLAIM NO. 40A 203529 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF EITHER IRRIGATION SYSTEM BY ITSELF. STATEMENT OF CLAIM NO. 40A 203529 00 CANNOT EXCEED A FLOW RATE OF 1.25 CFS, AND THEREFORE MUST BE UTILIZED IN COMBINATION WITH ANOTHER MORE JUNIOR WATER RIGHT, OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER.
40A	206915	00	THE FLOW RATES ASSOCIATED WITH THIS CHANGE AUTHORIZATION ARE 3.75 CUBIC FEET PER SECOND (CFS) FOR THE PIVOT PUMP AND 4.90 CFS FOR THE FLOOD PUMP. APPLICANT'S SENIOR RIGHT, STATEMENT OF CLAIM NO. 40A 203529 00 IS INSUFFICIENT TO MEET THE PUMPING RATE (FLOW RATE) OF EITHER IRRIGATION SYSTEM BY ITSELF. STATEMENT OF CLAIM NO. 40A 203529 00 CANNOT EXCEED A FLOW RATE OF 1.25 CFS, AND THEREFORE MUST BE UTILIZED IN COMBINATION WITH ANOTHER MORE JUNIOR WATER RIGHT, OR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER.
40A	212176	00	THE FLOW RATE ASSOCIATED WITH THIS CHANGE AUTHORIZATION IS 15.4 CUBIC FEET PER SECOND (CFS). THE IRRIGATION SYSTEM INCLUDES A PUMP AND CENTER PIVOT THAT OPERATE AT 1.0 CFS. WHEN BOTH STATEMENT OF CLAIM NOS. 40A 198049 00 AND 40A 212176 00 ARE ABLE TO BE EXERCISED, THE VARIABLE FLOW FLOOD PUMP CAN DIVERT UP TO 14.4 CFS. WHEN STATEMENT OF CLAIM NO. 40A 198049 00 IS THE ONLY RIGHT IN PRIORITY, THE FLOOD PUMP CAN BE OPERATED UP TO 10.4 CFS. APPROPRIATIONS FOR EITHER PUMPSITE CAN OCCUR IN COMBINATION WITH DEADMANS BASIN CONTRACT WATER, BUT CANNOT EXCEED A FLOW RATE OF 1.0 CFS AND 14.4 CFS RESPECTIVELY.
40A	214226	00	USE OF THIS FLOW RATE IS LIMITED TO THREE TIMES PER YEAR, THREE DAYS PER USE, AT 5.50 CFS. MORE TIME MAY BE REQUIRED AT LOWER FLOW RATES. ENTIRE PLACE OF USE IS EAST OF MUSSELSHELL RIVER.
40A	30023131		DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MAR. 1ST TO MAR. 31ST AND OCT. 15TH TO OCT. 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.
40A	30023131		THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.  40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132
40A	30023132		DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MAR. 1ST TO MAR. 31ST AND OCT. 15TH TO OCT. 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.
40A	30023132		THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.  40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132



# E001 Musselshell River Enforcement Area

## COMMISSIONER REMARK INDEX

Basin	Water Right No.	Ext.	Remark
40A	30065818		<p>1.WATER MEASUREMENT RECORDS REQUIRED: THE APPROPRIATOR SHALL INSTALL DEPARTMENT APPROVED WATER USE MEASURING DEVICES AT THE FOLLOWING POINTS:</p> <p>A. IN THE LAVINA NORTH CANAL AT THE HEADGATE IN ORDER TO MEASURE APPROPRIATIONS FROM THE MUSSELSHELL RIVER. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS MUST ACCOUNT SEPARATELY FOR ANY APPROPRIATIONS UNDER THIS PERMIT FROM APPROPRIATIONS UNDER ANY OTHER WATER RIGHT.</p> <p>B.IN THE SECONDARY DIVERSION WORKS (PUMP/PIPELINE) THAT APPROPRIATES WATER FROM THE LAVINA NORTH CANAL TO THE CENTER PIVOT SPRINKLER SYSTEM. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED AT THE SECONDARY DIVERSION POINT, INCLUDING THE PERIOD OF TIME. RECORDS MUST ACCOUNT SEPARATELY FOR ANY APPROPRIATIONS UNDER THIS PERMIT FROM APPROPRIATIONS UNDER ANY OTHER WATER RIGHT.</p> <p>RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE LISTED BELOW. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.</p> <p>SUBMIT RECORDS TO: LEWISTOWN WATER RESOURCES OFFICE 613 NE MAIN ST, SUITE E LEWISTOWN, MT PHONE: 406-538-7459 FAX: 406-538-7012</p>
40A	30103837		THIS CLAIM WAS ORIGINALLY DESCRIBED WITH THE POINT OF DIVERSION BEING IN THE SENWSE OF SECTION 2, 6N, R19E, GOLDEN COUNTY. THE POINT OF DIVERSION LEGAL LAND DESCRIPTION CHANGE CAME ABOUT BECAUSE THIS IS A CORRECTION SECTION AND DNRC DETERMINED THE NEWLY DESCRIBED POINT OF DIVERSION LEGAL LAND DESCRIPTION MORE ACCURATELY DESCRIBES WHAT IS ACTUALLY ON THE GROUND.
40A	19352	00	DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.
40A	20680	00	DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.
40A	22842	00	<p>DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.</p> <p>THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 40.67 CFS.</p> <p>40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132</p>
40A	45591	00	Three secondary points of diversion were added to the claim. The primary point of diversion is No. 525 in the SWNESE Sec 10 T10NR9E, Durand Ditch. The 3 secondaries are located in SWSESW Sec 30 T10NR10E; NENENW Sec 31 T10NR10E; and SWSWNE Sec 31 T10NR10E. These are headgates. See claim file for claim map.

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Basin	Water Right No.	Ext.	Remark
40A	119688	00	THIS RIGHT INCLUDES WATER STORAGE AS PROVIDED IN SECTION 89-121 R.C.M. (1947) (REPEALED). THIS RIGHT DIVERTS WATER INTO DEADMANS BASIN RESERVOIR FOR LATER RELEASE TO WATER PURCHASERS. THE HISTORICAL USE OF THE STORED WATER HAS INCLUDED IRRIGATION, STOCKWATER, AND MUNICIPAL USES.
40A	119688	00	TOTAL COMPOSITE FLOW RATE FOR THE WATER RIGHTS FOLLOWING THIS STATEMENT SHALL NOT EXCEED 600.00 CFS. 40A 119686-00, 40A 119688-00, 40A 119697-00. THE ENTIRE FLOW OF INTERMITTENT UNNAMED TRIBUTARIES IS INTERCEPTED AND COLLECTED BY THIS PROJECT. NO FLOW RATE HAS BEEN DECREED FOR THE CAPTURE OF THE FLOW OF THE INTERMITTENT TRIBUTARIES FOR DIVERSION TO DEADMAN'S BASIN RESERVOIR.
40A	119688	00	TOTAL COMPOSITE ANNUAL VOLUME FOR THE WATER RIGHTS FOLLOWING THIS STATEMENT SHALL NOT EXCEED 97,000 ACRE-FEET. 40A 119686-00, 40A 119688-00, 40A 119697-00. ALL THE VOLUME OF THE TRIBUTARY SOURCES CAPTURED IS IMPOUNDED IN DEADMAN'S BASIN RESERVOIR.
40A	119688	00	WATER STORED IN DEADMANS BASIN RESERVOIR IS DIVERTED FROM STORAGE TO THE FOLLOWING SECONDARY POINTS OF DIVERSION TO INDIVIDUAL WATER PURCHASERS: <div style="display: flex; justify-content: flex-end; margin-right: 20px;"> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3. DELPHIA</li> <li>4. MELSTONE</li> <li>5. PRIVATE</li> </ol> </div> CARELESS CREEK CANAL - SWSWNW SEC 30 TWP 07N RGE 19E, GOLDEN VALLEY COUNTY BARBER CANAL - SWSWNW SEC 30 TWP 07N RGE 19E, GOLDEN VALLEY COUNTY CANAL - NENWNW SEC 31 TWP 09N RGE 28E, MUSSELSHELL COUNTY CANAL - SWNWNW SEC 28 TWP 09N RGE 29E, MUSSELSHELL COUNTY DIVERSIONS OF WATER PURCHASERS ALONG THE MUSSELSHELL RIVER BELOW DEADMANS BASIN RESERVOIR. CARELESS CREEK CANAL, BARBER CANAL, MUSSELSHELL RIVER, DELPHIA CANAL, AND MELSTONE CANAL ARE USED AS CARRIERS TO CONVEY WATER RELEASED FROM DEADMAN'S BASIN RESERVOIR TO THE GENERAL SERVICE AREA FOR THIS WATER RIGHT.
40A	119688	00	THE POINTS OF DIVERSION ARE WHERE THE SOURCE INTERSECTS THE DEADMAN'S BASIN SUPPLY CANAL WHICH IS USED TO CONVEY WATER TO DEADMAN'S BASIN RESERVOIR.
40A	119688	00	THIS APPROPRIATION OF WATER TAKES WATER FROM THE MUSSELSHELL RIVER ABOVE ROUNDUP DRAINAGE AND USES IT IN THE MUSSELSHELL RIVER ABOVE ROUNDUP DRAINAGE AND IN THE MUSSELSHELL RIVER BELOW ROUNDUP DRAINAGE. ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR THE PLACE OF USE BASIN.
40A	119688	00	THE PLACE OF USE FOR SALE IS THE LOCATION OF THE OUTLET AND CONTROL GATE AT THE DEADMANS BASIN RESERVOIR DAM SITE.
40A	130837	00	THE DIVERTED FLOW RATE FOR THE TRANSITORY PUMPING SYSTEM IS 2.7 CFS, WHICH IS GREATER THAN THE FLOW RATE (2.5 CFS) FOR STATEMENT OF CLAIM NO. 40A 130827. THEREFORE, 40A 130827 MUST BE USED IN COMBINATION WITH ONE OF THE OTHER AUTHORIZED WATER RIGHTS, 40A 130837 OR 40A 130843, AT ANY TIME THE TRANSITORY PUMP IS BEING OPERATED.
40A	192538	00	THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.  40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132
40A	192539	00	THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.  40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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## COMMISSIONER REMARK INDEX

<i>Basin</i>	<i>Water Right No.</i>	<i>Ext.</i>	<i>Remark</i>
40A	203057	00	THE CLAIMS LISTED AFTER THIS REMARK ARE BASED UPON THE SAME DECREED WATER RIGHT FOR 90 MINER'S INCHES. THE COMBINED FLOW RATES OF THESE THREE CLAIMS SHALL NOT EXCEED 90 MINER'S INCHES (2.50 CFS) AT ANY TIME. 40A 203056-00, 40A 203057-00, AND 40A 203058-00 THIS PUMP IS USED IN 40A 203054-00, 40A 203055-00, 40A 203057-00, 40A 203058-00, 40A 203059-00, 40A 214290-00, 40A 214291-00, 40A 214292-00, 40A 214293-00.
40A	203058	00	THE CLAIMS LISTED AFTER THIS REMARK ARE BASED UPON THE SAME DECREED WATER RIGHT FOR 90 MINER'S INCHES. THE COMBINED FLOW RATES OF THESE THREE CLAIMS SHALL NOT EXCEED 90 MINER'S INCHES (2.50 CFS) AT ANY TIME. 40A 203056-00, 40A 203057-00, AND 40A 203058-00 THIS PUMP IS USED IN 40A 203054-00, 40A 203055-00, 40A 203057-00, 40A 203058-00, 40A 203059-00, 40A 214290-00, 40A 214291-00, 40A 214292-00, 40A 214293-00.
40A	30002276		THE APPROPRIATOR SHALL DIVERT WATER DURING THE PERIOD OF APPROPRIATION ONLY WHEN THE FLOW RATES AT USGS GAUGING STATIONS NO.06126050 (MUSSEL SHELL RIVER NEAR LAVINA) AND NO.06126500 (MUSSEL SHELL RIVER NEAR ROUNDUP) BOTH INDICATE FLOWS IN EXCESS OF 80 CUBIC FEET PER SECOND. THESE FLOWS MUST BE CHECKED DAILY WHEN APPROPRIATING WATER. THE CURRENT INTERNET ADDRESS IS: <a href="http://mt.waterdata.usgs.gov/nwis/current?type=flow">http://mt.waterdata.usgs.gov/nwis/current?type=flow</a>
40A	30002276		THE APPROPRIATOR SHALL CEASE EXERCISING THIS RIGHT WHEN THE FLOW IN THE MUSSEL SHELL RIVER IS LESS THAN WHAT CAN BE BENEFICIALLY USED BY THE DELPHIA-MELSTONE PROJECT AND WATER IS RELEASED FROM DEADMAN'S BASIN TO SATISFY THE DELPHIA-MELSTONE DEMAND AND/OR THE DEMAND BY ANY OTHER EXISTING WATER RIGHT.
40A	30002276		THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED IN-LINE FLOW METER AT A POINT IN THE DELIVERY LINE APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN DAILY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.
40A	30028082		WATER MAY BE APPROPRIATED FROM APRIL 1 THROUGH JUNE 30, AND OCTOBER 1 THROUGH OCTOBER 31 OF EACH YEAR. WATER SHALL NOT BE APPROPRIATED DURING THE MONTH OF SEPTEMBER.
40A	30028082		<b>**WATER MEASUREMENT RECORDS REQUIRED:</b> THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED IN-LINE FLOW METER AT A POINT IN THE CENTER PIVOT DELIVERY LINE APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. THE AMOUNT OF WATER AUTHORIZED FOR APPROPRIATION AT THE SECONDARY DIVERSION POINT (PUMP SITE FOR THE CENTER PIVOTS) ARE 1,000 GPM UP TO 132 ACRE-FEET PER YEAR. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.
40A	30028082		THE APPROPRIATOR SHALL DIVERT WATER DURING THE PERIOD OF APPROPRIATION ONLY WHEN THE FLOW RATE AT USGS GAUGING STATION NO.06126050 (MUSSEL SHELL RIVER NEAR LAVINA) INDICATES A FLOW IN EXCESS OF 80 CUBIC FEET PER SECOND. IN THE EVENT GAUGE NO. 06126050 IS NOT IN OPERATION, THE APPROPRIATOR SHALL USE USGS GAUGING STATION NO. 06126500 (MUSSEL SHELL RIVER NEAR ROUNDUP) AS THE REFERENCE GAUGE. THESE FLOWS MUST BE CHECKED DAILY WHEN APPROPRIATING WATER. THE CURRENT INTERNET ADDRESS IS: <a href="http://waterdata.usgs.gov/mt/nwis/current?type=flow">HTTP://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW</a> .

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Basin	Water Right No.	Ext.	Remark
40A	30065818		<p>2.IMPORTANT INFORMATION:  THE APPROPRIATOR IS SUBJECT TO ENFORCEMENT OF WATER RIGHTS ADMINISTERED BY THE FOURTEENTH JUDICIAL DISTRICT COURT. AT TIMES WHEN THE ENFORCEMENT PROJECT IS NOT OCCURING, THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS PRIOR TO DIVERTING WATER. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATORS RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS "CALLED" BY SENIOR WATER USERS.</p> <p>THE APPROPRIATOR SHALL NOT DIVERT WATER UNLESS THE REFERENCE USGS STREAM GAGES ARE OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAUGING STATIONS NO.06125600 (MUSSELSHELL RIVER ABOVE BIG COULEE CREEK AT LAVINA, MT) AND NO. 06126500 (MUSSELSHELL RIVER NEAR ROUNDUP, MT) INDICATE A FLOW OF AT LEAST 80 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCE USGS GAGES MUST BE CHECKED DAILY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. USGS GAUGING STATION NO. 06125600 (MUSSELSHELL RIVER ABOVE BIG COULEE CREEK AT LAVINA, MT) IS A SEASONAL GAGE. IN THE EVENT THE LAVINA, MT GAGE IS NOT IN OPERATION, THE APPROPRIATOR SHALL USE USGS GAUGING STATION NO.06126500 (MUSSELSHELL RIVER NEAR ROUNDUP, MT) AS THE REFERENCE GAGE. THE CURRENT USGS STREAM GAGING WEBSITE IS <a href="http://waterdata.usgs.gov/mt/nwis/current/type=flow">HTTP://WATERDATA.USGS.GOV/MT/NWIS/CURRENT/TYPE=FLOW</a>.</p>
40C	36307-00		<p>WATER MONITORING REQUIRED:  THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS ON THE MUSSELSHELL RIVER PRIOR TO DIVERTING WATER FOR IRRIGATION PURPOSES. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATOR'S RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS ON THE MUSSELSHELL RIVER.</p> <p>THE APPROPRIATOR SHALL NOT DIVERT WATER FOR IRRIGATION PURPOSES UNLESS USGS STREAM GAGE NO. 06130500 (MUSSELSHELL RIVER AT MOSBY MT) IS OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE NO. 06130500 INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCED USGS GAGE MUST BE CHECKED AT LEAST WEEKLY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. ONCE THE FLOW AT THE REFERENCED GAGE DROPS TO OR BELOW 80 CFS, THE GAGE MUST BE CHECKED DAILY. THE CURRENT USGS STREAM GAGING WEBSITE IS: <a href="https://waterdata.usgs.gov/mt/nwis/current?type=flow">HTTPS://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW</a></p>
40C	117220	00	<p>WATER MONITORING REQUIRED:  THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS ON THE MUSSELSHELL RIVER PRIOR TO DIVERTING WATER FOR IRRIGATION PURPOSES. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATOR'S RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS ON THE MUSSELSHELL RIVER.</p> <p>THE APPROPRIATOR SHALL NOT DIVERT WATER FOR IRRIGATION PURPOSES UNLESS USGS STREAM GAGE NO. 06130500 (MUSSELSHELL RIVER AT MOSBY MT) IS OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE NO. 06130500 INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCED USGS GAGE MUST BE CHECKED AT LEAST WEEKLY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. ONCE THE FLOW AT THE REFERENCED GAGE DROPS TO OR BELOW 80 CFS, THE GAGE MUST BE CHECKED DAILY. THE CURRENT USGS STREAM GAGING WEBSITE IS: <a href="https://waterdata.usgs.gov/mt/nwis/current?type=flow">HTTPS://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW</a></p>

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Basin	Water Right No.	Ext.	Remark
40C	117402	00	<p>WATER MONITORING REQUIRED: THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS ON THE MUSSEL SHELL RIVER PRIOR TO DIVERTING WATER FOR IRRIGATION PURPOSES. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATOR'S RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS ON THE MUSSEL SHELL RIVER.</p> <p>THE APPROPRIATOR SHALL NOT DIVERT WATER FOR IRRIGATION PURPOSES UNLESS USGS STREAM GAGE NO. 06130500 (MUSSEL SHELL RIVER AT MOSBY MT) IS OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE NO. 06130500 INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCED USGS GAGE MUST BE CHECKED AT LEAST WEEKLY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. ONCE THE FLOW AT THE REFERENCED GAGE DROPS TO OR BELOW 80 CFS, THE GAGE MUST BE CHECKED DAILY. THE CURRENT USGS STREAM GAGING WEBSITE IS: <a href="https://waterdata.usgs.gov/mt/nwis/current?type=flow">HTTPS://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW</a></p>
40C	117416	00	<p>WATER MONITORING REQUIRED: THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS ON THE MUSSEL SHELL RIVER PRIOR TO DIVERTING WATER FOR IRRIGATION PURPOSES. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATOR'S RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS ON THE MUSSEL SHELL RIVER.</p> <p>THE APPROPRIATOR SHALL NOT DIVERT WATER FOR IRRIGATION PURPOSES UNLESS USGS STREAM GAGE NO. 06130500 (MUSSEL SHELL RIVER AT MOSBY MT) IS OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE NO. 06130500 INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCED USGS GAGE MUST BE CHECKED AT LEAST WEEKLY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. ONCE THE FLOW AT THE REFERENCED GAGE DROPS TO OR BELOW 80 CFS, THE GAGE MUST BE CHECKED DAILY. THE CURRENT USGS STREAM GAGING WEBSITE IS: <a href="https://waterdata.usgs.gov/mt/nwis/current?type=flow">HTTPS://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW</a></p>
40C	117417	00	<p>WATER MONITORING REQUIRED: THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS ON THE MUSSEL SHELL RIVER PRIOR TO DIVERTING WATER FOR IRRIGATION PURPOSES. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATOR'S RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS ON THE MUSSEL SHELL RIVER.</p> <p>THE APPROPRIATOR SHALL NOT DIVERT WATER FOR IRRIGATION PURPOSES UNLESS USGS STREAM GAGE NO. 06130500 (MUSSEL SHELL RIVER AT MOSBY MT) IS OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE NO. 06130500 INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCED USGS GAGE MUST BE CHECKED AT LEAST WEEKLY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. ONCE THE FLOW AT THE REFERENCED GAGE DROPS TO OR BELOW 80 CFS, THE GAGE MUST BE CHECKED DAILY. THE CURRENT USGS STREAM GAGING WEBSITE IS: <a href="https://waterdata.usgs.gov/mt/nwis/current?type=flow">HTTPS://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW</a></p>
40C	199616	00	THE ANNUAL FLOW RATE IS LIMITED TO 2200 GPM APPLIED CONTINUOUSLY OVER A 5 DAY PERIOD. THE CLAIMS LISTED BELOW ARE GOVERNED BY A WATER USE AGREEMENT WHICH STATES THAT ONLY 2 CLAIMS MAY IRRIGATE AT A TIME. 40B 1384-00, 40B 208697-00, 40C 199616-00
40C	199617	00	<p>POINT OF DIVERSION REPLACED JANUARY 10, 2013 DUE TO DAMAGE FROM FLOOD OF 2011. POINT OF DIVERSION WAS MOVED APPROXIMATELY 730 FEET DOWNSTREAM TO STABLE BANK AREA.</p> <p>CLAIM AND CLAIM 40C 199618-00 HAVE HISTORICALLY SHARED THE USE OF ONE DIVERSION PUMP, WITH THE DIVERTED FLOW ALTERNATING BETWEEN THE TWO RIGHTS, NEVER AT THE SAME TIME.</p>

THIS

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<i>Basin</i>	<i>Water Right No.</i>	<i>Ext.</i>	<i>Remark</i>
40C	199618	00	POINT OF DIVERSION REPLACED JANUARY 10, 2013 DUE TO DAMAGE FROM FLOOD OF 2011. POINT OF DIVERSION WAS MOVED APPROXIMATELY 730 FEET DOWNSTREAM TO STABLE BANK AREA. CLAIM AND CLAIM 40C 199618-00 HAVE HISTORICALLY SHARED THE USE OF ONE DIVERSION PUMP, WITH THE DIVERTED FLOW ALTERNATING BETWEEN THE TWO RIGHTS, NEVER AT THE SAME TIME.

THIS